

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/630,732	08/02/00	MARIONI	E 33848/GM/VP

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EXAMINER

IP, S

ART UNIT

PAPER NUMBER

2837

1/2

DATE MAILED: 08/01/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/630,732

Applicant(s)

MARIONI, ELIO

Examiner

Paul Ip

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Paul Ip

Primary Examiner

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, and 9-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Beckerman '392 or Reynolds '034.

The patent to Beckerman discloses a single phase AC motor speed control system. Beckerman shows in figure 3 a winding 26 connected in series with a capacitor 30, and a second winding 24 is connected to a switch 34. Beckerman discloses at column 2 line 58-59 that the phase shifted by 90 degrees due to the presence of the capacitor 30.

The patent to Reynolds discloses an emergency power system for capacitor start motors. Reynolds shows in figures 1 and 2 a winding 16 and a second winding 17 connected in series with a capacitor 18 connected by a switch 19. Reynolds discloses at column 3 line 58 and column 4 line 20 of 90 degrees phase shifted due to the presence of the capacitor 18.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

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4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. Claims 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beckerman '392 or Reynolds '034 in view of Studtmann '101.

Claims 4-8 further require a rotor position sensor for sensing the rotor positions. However, the patent to Studtmann discloses a starting system for chopper controlled motor-commutated thyristor inverter comprising a synchronous motor and a shaft position sensor for sensing the rotor position. Prima facie case is made that the patents to Beckerman and Reynolds detect the motor speed for controlling the motor windings. Since the use of a speed detector or a position detector for motor control is well known in the art, it would have been obvious to one of ordinary skill in the art to provide Beckerman or Reynolds with the rotor position detector as taught or suggested by Studtmann.

Citation Of Pertinent References

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The patent to Hansen et al. '908 discloses an AC motor starting system with a 90 degrees phase shift.

The patents to Weber '067, Stephens et al. '513, Jordan et al. '053, Lelkes et al. '113, Wills et al. '749, Burkhart '418, Welles II '139, Weber '512, Schwarz '681, Whitney et al. '792, Pertessis et al. '901, Weber '990, and Kadah et al. '964 disclose motor starting circuits comprising a start winding, a run winding, and a capacitor for phase shift control of the motor.

The patents to Van Sistine '064, Beasley '362, and Forbes et al. '722 disclose motor control circuits comprising a rotor position detector.

Communication Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Ip whose telephone number is (703)-308-3098. The examiner can normally be reached on 6:30 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Nappi can be reached on 703-308-3370. The fax phone numbers for the

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organization where this application or proceeding is assigned are (703)-305-3431 for regular communications and (703)-305-3431 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.



Paul Ip
Primary Examiner
Art Unit 2837

July 27, 2001